

E-FILED 5 DEC 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of inventor(s):

Subir K. Ghosh et al.

Application No. 10/619,798

Filing Date: 15 July 2003

Title: Predictive Snooping of Cache Memory
for Master-Initiated Accesses

Confirmation No. 7888

Group Art Unit: 2188

Examiner: Kevin L. Ellis

CUSTOMER NO. 22470

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.183 REQUESTING WAIVER
OF SIGNATURE OF UNAVAILABLE INVENTOR H.T. TUNG
FOR SECOND DECLARATION UNDER 37 CFR 1.131(b)**

Sir:

Applicants hereby petition the Commissioner for a waiver of the requirement for signatures by all inventors for declarations under 37 CFR 1.131(b), on the ground that one inventor, H.T. Tung, is unavailable. A declaration under 37 CFR 1.131(b) signed by the other inventor, Subir K. Ghosh, is submitted herewith.

STATEMENT OF FACTS

Mr. Tung is currently believed to be living in Taiwan and working there for ASUSTeK Computer Inc. The American affiliate of this company is believed to be ASUS Computer International.

On October 31, 2007 the undersigned sent an email to the last known email address of Mr. Tung, which is an Asus address. A copy of this email is attached hereto as Attachment A. No response has been received.

On November 5, 2007 the undersigned sent another email to the same email address. A copy of this email is attached hereto as Attachment B. No response has been received to this email either.

On November 5, 2007, after reviewing the Asus Computer International website and telephoning the company, the undersigned's assistant sent a third email to an office of Asus in California, requesting assistance in contacting Mr. Tung. A copy of this email is attached hereto as Attachment C. No response has been received to this email either.

On or about November 6, 2007, the undersigned telephoned Subir Ghosh and asked whether he had any contact information for Mr. Tung. Mr. Ghosh provided what he believed to be an old mailing address for Mr. Tung's home in Taiwan, and also what he believed to be an old cell phone number for Mr. Tung's wife in Taiwan.

On November 6, 2007, the undersigned tried calling the Taiwan telephone number provided by Mr. Ghosh. A message was received indicating that the call could not be completed. The undersigned called this number several times on November 6, 2007, always with the same result.

On November 7, 2007 the undersigned mailed a letter by International Return Receipt Express Mail to the mailing address provided by Mr. Ghosh. A copy of this letter, together with the International Express Mail label and completed Return Receipt postcard, is attached hereto as Attachment D. No response has been received to this letter, nor has the Return Receipt postcard been returned.

On November 13, 2007 again the undersigned tried calling the Taiwan telephone number provided by Mr. Ghosh. This time a woman answered. After explaining that we were trying to reach Mr. Tung, the woman provided another telephone number in Taiwan for Mr. Tung.

On November 13, 2007 the undersigned called the new telephone number and left a voicemail message asking for Mr. Tung to return the call. No return call has been received from Mr. Tung.

ARGUMENT and CONCLUSION

Given the above, Mr. Tung either cannot be reached or does not want to respond. In either case, it appears that Mr. Tung is "unavailable or cannot be found". Pursuant to MPEP 715.04(I), therefore, Applicants respectfully request a waiver of the requirement under 37 CFR 1.131(b) for a signature of inventor H.T. Tung, on the ground that he is unavailable or cannot be found.

The Petition fee specified in 37 C.F.R. §1.17(f) of \$400 is included herewith.

The Commissioner is hereby authorized to charge any additional fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (OPTI 3140-6).

Respectfully submitted,

Date: 5 December 2007

E-sig: /warren s. wolfeld/

Warren S. Wolfeld, Reg. No. 31,454

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712 0340 phone

ATTACHMENT A

to Petition Under 37 CFR 1.183

Warren Wolfeld

From: Warren Wolfeld
Sent: Wednesday, October 31, 2007 5:24 PM
To: 'HT.Tung@asus.com.tw'
Cc: Bernard T. Marren (bernie@opti.com); mbrody@winston.com; Diane Bergin
Subject: OPTI 3140-6: Predictive Snooping patent
Importance: High

Dear H.T.:

I do not know if you recall, but I was the patent attorney that worked with you and Subir Ghosh on the predictive snooping patent application back in 1994-95.

Several patents have already issued from that application, as you probably know, and we are working on yet another one.

Right now, what I need is to work with you on a Declaration to prove a date of invention that predates some prior art that has been brought to our attention. Your work on this declaration should be minimal, since I have already been working on a similar one with Subir, and since it is only a little bit different from the declaration that you signed back in 1998. And it is not lengthy.

I would appreciate it if you could reply to this email to indicate that you are willing to do this. I will then forward a draft to you, and you can comment.

Xie xie, and I hope you are doing well.

P.S.- I just made the connection that you work for the same company that made my Asus computer. The computer is more than 3 years old, and it's working better than the new computer I just purchased to replace it!

Warren S. Wolfeld
Haynes Beffel & Wolfeld LLP
P.O. Box 366, 637 Main St.
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wwolfeld@hmbay.com
O 650.712.0340 x210
F 650.712.0263
www.hmbay.com

ATTACHMENT B

to Petition Under 37 CFR 1.183

Warren Wolfeld

From: Warren Wolfeld
Sent: Monday, November 05, 2007 2:58 PM
To: HT.Tung@asus.com.tw
Cc: Bernard T. Marren (bernie@opti.com); mbrody@winston.com; Diane Bergin
Subject: OPTI 3140-6: Predictive Snooping patent - please respond
Importance: High

Dear H.T.:

Could you please confirm that you've received this message.

Thank you

Warren S. Wolfeld
Haynes Beffel & Wolfeld LLP
P.O. Box 366, 637 Main St.
Half Moon Bay, CA 94019
wwolfeld@hmbay.com
O 650.712.0340 x210
F 650.712.0263
www.hmbay.com

From: Warren Wolfeld
Sent: Wednesday, October 31, 2007 5:24 PM
To: 'HT.Tung@asus.com.tw'
Cc: Bernard T. Marren (bernie@opti.com); mbrody@winston.com; Diane Bergin
Subject: OPTI 3140-6: Predictive Snooping patent
Importance: High

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ATTACHMENT C

to Petition Under 37 CFR 1.183

Warren Wolfeld

From: Diane Bergin
Sent: Monday, November 05, 2007 4:33 PM
To: 'apply_ts@asus.com'
Subject: Hsu-Tien Tung
Importance: High

Dear ASUS California Office:

We are trying to contact an inventor whose patent application we filed in the 1990's. We understand he now works in Taiwan for ASUS but have not had success contacting him with this e-mail address: HT.Tung@asus.com.tw. Hsu-Tien Tung signed a declaration for us in 1998 and we would like him to review and sign another declaration. We would appreciate any assistance you might lend in forwarding this request to the proper offices in Taiwan. Please let me know if you can help.

Kind regards,
Diane Bergin

HAYNES BEFFEL & WOLFELD LLP
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650-712-0263 facsimile
dbergin@hmbay.com

This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Thank you.

ATTACHMENT D

to Petition Under 37 CFR 1.183

HAYNES BEFFEL & WOLFELD LLP

INTELLECTUAL PROPERTY LAW

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Half Moon Bay, CA 94019

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KENTA SUZUE
JOSEPH E ROOT

Patent Agent:
JONATHAN PUTNAM

*admitted in MA only

November 7, 2007

H.T. Tung
2F, #15, Alley 11, Lane 2
Shi-Dung Road, Shih-Lin District
Taipei, Taiwan

Re: U.S. Patent Application entitled:
**PREDICTIVE SNOOPING OF CACHE MEMORY FOR
MASTER-INITIATED ACSESSES**

Dear H.T.:

I do not know if you recall, but I was the patent attorney that worked with you and Subir Ghosh on the predictive snooping patent application back in 1994-95. Several patents have already issued from that application, as you probably know, and we are working on yet another one.

Right now, what I need is to work with you on a Declaration to prove a date of invention that predates some prior art that has been brought to our attention. Your work on this declaration should be minimal, since I have already been working on a similar one with Subir, and since it is only a little bit different from the declaration that you signed back in 1998. And it is not lengthy.

I would appreciate it if you could reply to this letter at your earliest convenience, preferably by email, providing your current contact information and indicating whether you are willing to do this. The email address and telephone number I have for your must be out-of-date since I was not able to reach you on either.

Xie xie, and I hope you are doing well.

Best regards,

Warren S. Wolfeld
wwolfeld@hmbay.com

UNITED STATES POSTAL SERVICE®

EXPRESS MAIL

Item Description <i>(Nature de l'envoi)</i>	Registered <input type="checkbox"/> Article (<i>Envoi recommandé</i>) <input type="checkbox"/> Letter <input type="checkbox"/> Matter <input type="checkbox"/> (Imprimé) <input type="checkbox"/> Insured Parcel <input type="checkbox"/> (Colis avec valeur déclarée)	Printed <input type="checkbox"/> Other <input type="checkbox"/> (Autre) <input type="checkbox"/> Insured Value <i>(Valeur déclarée)</i>	Recorded Delivery <input type="checkbox"/> Express Mail International <input type="checkbox"/> (Envoi à l'étranger attestée)	Other <input type="checkbox"/>
Office of Mailing <i>(Bureau de dépôt)</i>	Date of Posting <i>(Date de dépôt)</i>	Date of Posting <i>(Date de dépôt)</i>		
Addressee Name or Firm <i>(Nom ou raison sociale du destinataire)</i>				
Street and No. <i>(Rue et No.)</i>				
Place and Country <i>(Localité et pays)</i>				
<p>This receipt must be signed by (1) the addressee, or (2) a person authorized to sign under the regulations of the country of destination, or (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination; ou, si ces règlements le comprennent, par l'agent du bureau de destination, et renvoyé par la première courrier directement à l'expéditeur.)</p> <p><input type="checkbox"/> The article mentioned above was duly delivered. <i>(L'envoi mentionné ci-dessus a été délivré.)</i></p> <p><input type="checkbox"/> A complete copy of this document was sent to the destination. <i>(A complete copie de ce document a été envoyée au destinataire.)</i></p>				
<p>Postmark of the office of destination <i>(Timbre du bureau de destination)</i></p> <p><i>[Large circular area for postmark]</i></p>				
<p>Signature of Addressee <i>(Signature du destinataire)</i></p> <p>Office of Destination Employee Signature <i>(Signature de l'agent du bureau de destination)</i></p>				

PS Form 2865, February 1997 /Reverse/